

## REMARKS

Claims 29-44 are pending. Claims 29-44 are subject to a restriction requirement as articulated in the Office Action (Paper No. 7) mailed August 26, 2003. Applicants previously elected Group I – Claims 29-31. Claims 32-44 stand withdrawn from consideration as directed to a non-elected invention.

Claims 29-31 are rejected under 35 U.S.C. § 102 (e) as anticipated by U.S. Patent 5,160,713 (Mazanec et al.). The Office submits that Mazanec et al. show a solid membrane comprising a mixed metal oxide material of perovskite structure containing lanthanum (a lanthanide) in combination with cobalt, strontium, or an oxide thereof, pointing to col. 3, lines 65-68 and col. 4, lines 5-60 of the reference. It is asserted that Example 3 of the reference describes a membrane containing less than 13 mol% of bismuth. For Claim 31, the Office submits the claimed conductivity properties are inherent in the perovskite structure of the reference.

The Mazanec et al. reference issued from an application, U.S. Serial No. 594,247, filed in the United States on October 9, 1990. There is no mention of any claim to priority prior to the October 9, 1990 effective filing date of the reference.

In the present Application, a priority claim under § 120 has been made, as acknowledged in the present Office Action, based on a number of prior applications, including U.S. Serial Nos. 07/510,296 filed April 16, 1990 and 07/457,327 filed December 27, 1989. The teachings of these earlier applications have been incorporated by reference into the present Application. Both applications were filed prior to the effective filing date of the Mazanec et al. reference.

In U.S. Serial No. 07/510,296, a solid multi-component membrane is disclosed at page 5, lines 9-17 as generally comprising "an intimate, gas-impervious, multi-phase mixture of an electronically-conductive phase and an oxygen ion-conductive phase and/or a gas impervious 'single phase' mixed metal oxide having a perovskite structure and having both electron-conductive and oxygen ion-conductive properties." At page 16, line 1 et seq. it further discloses use of mixed metal oxides with a perovskite structure, and on page 17, lines 7-22 it is disclosed that a wide variety of elements and oxides thereof may be used to form such perovskites, including lanthanides (specifically including lanthanum), cobalt, and strontium. It is also disclosed that bismuth and/or cerium may be used, preferably in amounts less than 13 mol%.

U.S. Serial No. 07/457,327 contains similar disclosure, see, e.g., page 6, line 26 to page 9, line 17, particularly page 9, lines 5-17.

Applicants submit Claims 29-31 of the present Application are fully supported by the disclosures of the above-described applications from which Applicants claim priority. As a result, Applicants submit the Mazanec et al. reference, with a filing date subsequent to those of U.S. Serial Nos. 07/510,296 and 07/457,327, is not a proper § 102(e) reference. Applicants respectfully request withdrawal of the rejection.

Applicants submit that Claims 29-31 are in condition for allowance and request issuance of a Notice of Allowance for the same at an early date.

Respectfully submitted,

John E. Wood  
Attorney for the Applicant(s)  
Registration Number 32,183  
(281) 366-2073